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Representing the United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

United States of America,

Plaintiff,

v.

Schyler Thomas, *et al.*

Defendants.

Case No. 2:18-mj-80-NJK

**Stipulation to Continue
Preliminary Hearing
(First Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between DAYLE ELIE-
SON, United States Attorney, and CHAD W. MCHENRY, Assistant United States
Attorney, counsel for the United States of America, and CHRIS RASMUSSEN,
ESQ., counsel for SCHYLER THOMAS, that the Preliminary Hearing, currently
scheduled for March 8, 2018, be vacated and continued to a date and time convenient
to this Court, but in any event no sooner than sixty (60) days.

//

1 This Stipulation is entered into for the following reasons:

2 1. The government is in the process of providing a substantial amount of
3 discovery to the defense pre-indictment. The defense requires additional time to re-
4 view and investigate said discovery once it has been provided.

5 2. Given the serious nature of the charges in this case, arising from an
6 alleged shooting that occurred within the boundaries of the Lake Mead National
7 Recreation Area, the defense requires additional time to discuss the state of the ev-
8 idence with the defendant, and with the government.

9 3. The government requires additional time to review newly-discovered
10 evidence obtained subsequent to the complaint being filed in this case, and to discuss
11 that evidence with counsel for the defense.

12 4. The defendant is out of custody, and agrees with this continuance.

13 5. The parties agree to the continuance.

14 6. This is the first request for such a continuance.

15 7. The additional time requested is not sought for purposes of delay.

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1 The additional time requested by this Stipulation is excludable in computing
2 time within which trial in the above-captioned must commence under the Speedy
3 Trial Act, 18 U.S.C. § 3161(h)(7)(B)(i), (iv).

4 Denial of this request for a continuance could result in a miscarriage of justice.

5
6 **DATED** this 28th day of February, 2018.

7
8 Respectfully submitted,

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10 By:
11 DAYLE ELIESON
12 United States Attorney

Agreed:

13 */s/ Chad McHenry*

/s/ Chris Rasmussen

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15 _____
16 CHAD W. MCHENRY
17 Assistant United States Attorney

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19 CHRIS RASMUSSEN, ESQ.
20 Counsel for Schyler Thomas

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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5 **United States of America,**

6 Plaintiff,

7 v.

8 **Schyler Thomas, *et al.*,**

9 Defendants.
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Case No. 2:18-mj-80-NJK

**Findings of Fact, Conclusions of
Law and Order re: Continuance
of Preliminary Hearing**

12 **FINDINGS OF FACT**

13 Based on the stipulation, and good cause appearing, the Court finds that:

14 1. The government is in the process of providing a substantial amount of
15 discovery to the defense pre-indictment. The defense requires additional time to re-
16 view and investigate said discovery once it has been provided.

17 2. Given the serious nature of the charges in this case, arising from an
18 alleged shooting that occurred within the boundaries of the Lake Mead National
19 Recreation Area, the defense requires additional time to discuss the state of the ev-
20 idence with the defendant, and with the government.
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1 3. The government requires additional time to review newly-discovered
2 evidence obtained subsequent to the complaint being filed in this case, and to discuss
3 that evidence with counsel for the defense.

4 4. The defendant is out of custody, and agrees with this continuance.

5 5. The parties agree to the continuance.

6 6. This is the first request for such a continuance.

7 7. The additional time requested is not sought for purposes of delay.

8 **CONCLUSIONS OF LAW**

9 The ends of justice served by granting the continuance outweigh the best in-
10 terest of the public and the defendants in a speedy trial, since the failure to grant
11 the continuance would likely result in a miscarriage of justice, and would also deny
12 the parties sufficient time and the opportunity to effectively and thoroughly prepare,
13 taking into account the exercise of due diligence.

14 The additional time requested by this Stipulation is excludable in computing
15 the time within which the trial must commence under the Speedy Trial Act, 18
16 U.S.C. § 3161(h)(7)(A), weighing the factors listed in 18 U.S.C. § 3161(h)(7)(B)(i), (iv).

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1 **ORDER**

2 IT IS THEREFORE ORDERED that the Preliminary Hearing, currently
3 scheduled for March 8, 2018, at the hour of 4:00 p.m., be vacated and continued to
4 April 24, 2018, at 4:00 p.m., in Courtroom 3D.

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6 DATED this 1st day of March, 2018.

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Hon. Nancy J. Koppe
United States Magistrate Judge
District of Nevada